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"I heard from a friend and I was kind of outraged," she said. "I thought people should be aware."

Both Fuerza Latina and ABHW received apology e-mails from Zuckerberg yesterday.

In the letter, Zuckerberg wrote that he was mainly interested in the computer science behind the venture.

"I understood that some parts were still a little sketchy and I wanted some more time to think about whether or not this was really appropriate to release to the Harvard community," he wrote.

According to Zuckerberg, it was his intention to only show a few friends to get their opinion on the site, but someone forwarded the link to a friend and the chain of e-mails continued from there.

"When I returned from a meeting at around 10 p.m.," he wrote in the letter, "traffic was out of hand, and after thinking about the best course of action, I shut down the site around 10:30."

Earlier that day, the site had experienced less than a quarter of those visitors, according to Zuckerberg. But when he got back to his room, traffic to the website was so heavy that he could not even log on to his own computer.

"I hope you understand, this is not how I meant for things to go, and I apologize for any harm done as a result of my neglect to consider how quickly the site would spread and its consequences thereafter...I definitely see how my intentions could be seen in the wrong light," Zuckerberg's apology letter said.

The Rules

Director of Residential Computing for Faculty of Arts and Sciences (FAS) Computer Services Kevin S. Davis '98 declined to comment on Zuckerberg or the website.

But according to computer rules and responsibilities printed in the handbook and the FAS Computer Services website, Zuckerberg's website likely violates campus computer use policies.

"Students may not attempt to circumvent security systems or to exploit or probe for security holes in any Harvard network or system, nor may students attempt any such activity against other systems accessed through Harvard's facilities," the guidelines state.

Zuckerberg's website also appears to be in violation of the University's guidelines for distribution of digitized images.

"The copying of data from [the ID photo database] to be used in another for purposes of bypassing any of the above restrictions, or without written permission, is prohibited," according to the guidelines.

In addition to listing the "compilation or redistribution of information from University directories" among prohibited activities, the FAS handbook states that misconduct such as "knowingly gaining unauthorized access to a computer system or database" may be "subject to criminal and civil penalties" in addition to College disciplinary action.

Zuckerberg declined to comment on whether he has faced any charges or disciplinary action.

'Let the hacking begin'

Zuckerberg said his interest in computer science and boredom on a Tuesday night were the ingredients behind his rating recipe.

It took less than a week for him to create the site—and he chronicled the process in a journal published on the site itself.

He began at 8:13 p.m. last Tuesday: "I need to think of something to occupy my mind. Easy enough—now I just need an idea..."

Just 95 minutes later, at 9:48 p.m., he added another entry.

"The Kirkland facebook is open on my computer desktop and some of these people have pretty horrendous facebook pics," he wrote. "I almost want to put some of these faces next to pictures of farm animals and have people vote on which is more attractive."

Then, just before 1 a.m., a new post: "12:58am. Let the hacking begin."

Starting with Kirkland and moving his way through the Houses, Zuckerberg described how he hacked into online facebooks one by one and put the photos onto his website.

Around 4 a.m. last Wednesday, Zuckerberg finished compiling ID photos of all undergraduates except for first-years and residents of Winthrop, Currier and Quincy, whose facebooks are not available online.

In his online account, Zuckerberg called the hacking "Child's play."

He describes how he got the photos from each House and then records the actions he took over the next few days to create the algorithms and codes to create the rating website.

Just before 7:30 a.m. on the morning of Halloween, he wrote that the site was finished.

Zuckerberg said his primary attraction to building the website was the science of creating the program and compiling the photos, not the prospect of publicizing it for widespread use.

"I'm a programmer and I'm interested in the algorithms and math behind it," said Zuckerberg, who is no stranger to creating computer software and programs.

He received worldwide notice for an MP3-player that he created during his senior year at Philips Exeter Academy.

And at the beginning of this year, Zuckerberg said he created a "coursematch" website where students could voluntarily submit the courses they were taking so that other students in the same courses could find out who their peers were.

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REDACTED

From narendra@fas.harvard.edu Sat Nov 22 23:12:48 2003
-0500
Status:
X-Status:
X-Keywords:
Date: Sat, 22 Nov 2003 23:12:47 -0500 (EST)
From: Divya Kumar Narendra <narendra@fas.harvard.edu>
To: Mark Elliot Zuckerberg <mzuckerb@fas.harvard.edu>
Subject: Re: update
In-Reply-To:
<Pine.OSF.4.58.0311222142020.9146@is01.fas.harvard.edu>
Message-ID:
<Pine.LNX.4.44.0311222306420.3731-100000@ls03.fas.harvard.edu>
MIME-Version: 1.0
Content-Type: TEXT/PLAIN; charset=US-ASCII

Mark,

Awesome man, listen I was hoping you had some thoughts on design. Check out www.thecarlylegroup.com . I think this is the hottest front-end I've ever seen. If you're into design then let's talk about it at some point. Unfortunately, I'm in NYC for interviews and next week is Thanksgiving so we'll have to hold off till next Sunday but I'll catch you on the phone till then.

Yeah I mean once all the functionality is set, the rest is testing and design. The site looks fine right now but I was thinking we could go all out and put up something truly beautiful. Let me know what you think.

Cheers,

Divya

ps. me you and the other guys also have to sit down

REDACTED

and discuss strategy
in terms of roll out and marketing , etc. Should be
fun.

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From: "Mark Elliot Zuckerberg" <mzuckerb@fas.harvard.edu>
To: "Cameron Winklevoss" <winklev@fas.harvard.edu>
Date: 11/25/03 4:36AM
Subject: Re: meeting

Cameron,

Looking over the cs set now, I may need all the time I can get to work on it before it's due at midnight. So will you be around Wednesday morning or early afternoon to go over this stuff? If not I could definitely fit it in tomorrow, but the extra hour or so to look over the set might be helpful if it's possible to meet Wednesday instead. Sorry to keep pushing it back...

Mark

On Tue, 25 Nov 2003, Cameron Winklevoss wrote:

> Hey,
> No worries. lets shoot for 3pm tommorow in Kirkland. I can come to your
> room, or we could meet in the dinning hall. Whichever you prefer (but your
> room might be better since we can look at the site, etc.). How does that
> sound?
> -Cameron
>
>
> ----- Original Message -----
> From: "Mark Elliot Zuckerberg" <mzuckerb@fas.harvard.edu>
> To: "Cameron Winklevoss" <winklev@fas.harvard.edu>
> Sent: Tuesday, November 25, 2003 3:35 AM
> Subject: Re: meeting
>
>
> > Hey man,
> >
> > Sorry I had to cancel at the last minute tonight. I have a cs problem set
> > that will probably take up most of my day tomorrow, but we should be able
> > to meet in the afternoon for a little while. I get out of class at 2:30
> > and will probably go over to work around 4, so maybe we could meet
> > sometime in there? Let me know.
> >
> > Mark
> >
> > On Mon, 24 Nov 2003, Cameron Winklevoss wrote:
> >
> > > hey mark,
> > > what is a good time for you to meet tommorow?
> > > -Cameron
>
>

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From: "Mark Elliot Zuckerberg" <mzuckerb@fas.harvard.edu>
To: "Cameron Winklevoss" <winklev@fas.harvard.edu>
Date: 11/25/03 12:16PM
Subject: Re: meeting

That should work, but I'd like to ask a few questions during his office hours, which run until 3, so maybe we could push the meeting back until around 3:15 so I don't keep you waiting. I'll see you in the Kirkland dining hall then.

Mark

On Tue, 25 Nov 2003, Cameron Winklevoss wrote:

> Mark,
> As it stands now, I'm leaving tonight. It would be possible to condense the
> meeting to 20-25 min (I don't think we'll need too much time). Does that
> put you in too much of a bind? Let me know
> -Cameron
>
>
> ----- Original Message -----
> From: "Mark Elliot Zuckerberg" <mzuckerb@fas.harvard.edu>
> To: "Cameron Winklevoss" <winklev@fas.harvard.edu>
> Sent: Tuesday, November 25, 2003 4:36 AM
> Subject: Re: meeting
>
>
> > Cameron,
> >
> > Looking over the cs set now, I may need all the time I can get to work on
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> > helpful if it's possible to meet Wednesday instead. Sorry to keep
> > pushing it back...
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> > Mark
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> > > room might be better since we can look at the site, etc.). How does
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> > > -Cameron
> > >
> > >
> > > ----- Original Message -----
> > > From: "Mark Elliot Zuckerberg" <mzuckerb@fas.harvard.edu>
> > > To: "Cameron Winklevoss" <winklev@fas.harvard.edu>
> > > Sent: Tuesday, November 25, 2003 3:35 AM

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> > > Subject: Re: meeting
> >
> >
> > > Hey man,
> > >
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> > > and will probably go over to work around 4, so maybe we could meet
> > > sometime in there? Let me know.
> > >
> > > Mark
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> > > > On Mon, 24 Nov 2003, Cameron Winklevoss wrote:
> > >
> > > > hey mark,
> > > > what is a good time for you to meet tommorow?
> > > > > -Cameron
> >
> >
>
>

REDACTED

From: "Mark Elliot Zuckerberg" <mzuckerb@fas.harvard.edu>
To: "Cameron Winklevoss" <winklev@fas.harvard.edu>
Date: 12/4/03 4:03AM
Subject: Re: meeting

Hey man,

Sorry I was unreachable tonight. I just got about three of your missed calls. I was working on a problem set and I had my phone silenced in my pocket the whole time, wondering why nobody was calling me...

Anyhow, let's try to meet up Friday morning/early afternoon if that works for you. Let's set up a time now so we don't miss each other on the day of. How does noon sound in Kirkland? We can meet in the dining hall and then come up to my room or you can just come straight to H-33 if you want. Let me know.

Mark

On Wed, 3 Dec 2003, Cameron Winklevoss wrote:

> hey mark,
> let's try and meet tonight. How does sometime around 10 sound?
> -Cameron

REDACTED

From: "Mark Elliot Zuckerberg" <mzuckerb@fas.harvard.edu>
To: "Cameron Winklevoss" <winklev@fas.harvard.edu>
Date: 12/15/03 4:38PM
Subject: Re: hey

When are you going to be around until? I have a cs problem set that I'm just getting started with and it should be about 15 hours of coding, so I'm hoping to be done by tomorrow evening. I'm busy tomorrow night though so unless I finish really early, I won't really be free to meet until Wednesday afternoon. Let me know if this works for you, and I'll let you know if I get this set finished earlier...

Mark

On Mon, 15 Dec 2003, Cameron Winklevoss wrote:

> hey dude,
> what's the good word? when are you free to meet?
> -Cameron

REDACTED

From: "Mark Elliot Zuckerberg" <mzuckerb@fas.harvard.edu>
To: "Cameron Winklevoss" <winklev@fas.harvard.edu>
Date: 12/17/03 3:43PM
Subject: Re: IMPORTANT

Cameron,

Sorry I have not been reachable for the past few days. I've basically been in the lab the whole time working on a cs problem set which I'm still not finished with. I don't know when you're taking off -- I think you said something about this morning -- but I'm pretty sure I'll be done with the problem set before this evening so if you're still around we should be able to meet around 10pm. Let me know.

Mark

On Tue, 16 Dec 2003, Cameron Winklevoss wrote:

> Mark,
> let me know when/where I should meet you tommorow.
> -Cameron

REDACTED

From: "Mark Elliot Zuckerberg" <mzuckerb@fas.harvard.edu>
To: "Cameron Winklevoss" <winklev@fas.harvard.edu>
Date: 12/17/03 9:24PM
Subject: Re: your mail

I'm actually still not done with the problem set yet. I'll email you if I finish it up before midnight.

Mark

On Wed, 17 Dec 2003, Cameron Winklevoss wrote:

> hey,
> Im going to be doing some stuff for the next hour or so, so I'll try and stop by your room after ten for a bit.
>

REDACTED

From: "Mark Elliot Zuckerberg" <mzuckerb@fas.harvard.edu>
To: "Cameron Winklevoss" <winklev@fas.harvard.edu>
Date: 1/8/04 5:58AM
Subject: Re: hey

Hey Cameron,

Sorry it's taken a while for me to get back to you. I'm completely swamped with work this week. I have three programming projects and a final paper due by Monday, as well as a couple of problem sets due Friday. I'll be available to discuss the site again starting Tuesday.

As far as the site goes for now, I've made some of the changes, although not all of them, and they seem to be working on my computer. I have not uploaded them to the live site yet though. I'll do this once I get everything done. I'm still a little skeptical that we have enough functionality in the site to really draw the attention and gain the critical mass necessary to get a site like this to run. And in its current state, if the site does get the type of traffic we're looking for, I don't know if we have enough bandwidth from the ISP you're using to handle the load without some serious image optimization, which will take a few more days to implement.

Anyhow, we'll talk about it once I get everything else done. Sorry for the delay in going live, but I guess it wasn't going to happen without new images from Sanjay anyway, so I'm not the only one who's lagging.

We'll speak soon.

Mark

On Tue, 6 Jan 2004, Cameron Winklevoss wrote:

> hey mark,
> drop me a line when you get a chance. Thanks
> -Cameron

EXHIBIT D

REDACTED

From: "Mark Elliot Zuckerberg" <mzuckerb@fas.harvard.edu>
To: "Cameron Winklevoss" <winklev@fas.harvard.edu>
Date: 11/30/03 5:24AM
Subject: Re: Harvard Connection

Hey Cameron,

It turns out I forgot to bring my charger home with me for Thanksgiving so I haven't had access to my laptop since the battery ran out Wednesday evening. So I still need to get the registration page up but I'll do that once I get back tomorrow (Sunday) evening so everything will be ready for testing by Monday. Sorry for the delay there.

I read over all the stuff you sent and it seems like it shouldn't take too long to implement, so we can talk about that after I get all the basic functionality up tomorrow night. I had another idea for directing people to parties on campus, but I don't know how easily it can be incorporated into this project. We'll speak about it though.

I'll shoot you an email late tomorrow evening when I get everything up on the server.

Mark

On Sat, 29 Nov 2003, Cameron Winklevoss wrote:

> Mark,
 > Hope your thanksgiving was good. I have compiled a preliminary list of nightclubs that are to be included on the nightclub page (along with their info, reviews, etc.). I was thinking about using radial buttons to select a club they want to go to. Once a person selects the club, and submits the info, it is put into a temporary database. At 6pm on the day of the night they are going to, this list is emailed to the promoter (I will supply the email address later). A person can also check to see what harvard students have signed up to go to that club on a given night (so they can get a feel of the crowd, etc.) I also want to put action pictures of people at each club but I'll get those to you a little bit later. I am also thinking about putting in live concerts at middle east, but that will also be later.
 >
 > Victor mentioned the ability to set up a page where we could update the info on the nightclub page on the web? Is this possible, and can you do this? I think it would make updating, and keeping the events current much easier. Also how about a message board where people can post their reviews of the nights?
 >
 > Lastly, how is the site going? Do you have stuff up that we could beta test for you? I'm looking forward to getting this thing rolling next week! Talk to you later
 > -Cameron
 >
 >
 >
 >
 > Info on top of page: HarvardConnection has compiled a list of the premiere nights of the hottest clubs and lounges in the Boston area. We have brokered deals with promoters at these clubs to give all of our registered users reduced admission on these given nights. Please select the night you would like to attend. Once you have submitted your choice(s), you will be placed on the HarvardConnection list. In order to receive reduced cover, you must bring proper identification (driver's license) with your name on it. For those clubs marked with a *, it is highly recommended that you arrive at 11pm, or due to overcrowding you may not be guaranteed admission. Your selection must be submitted no later than 6pm the night of. Thank you and enjoy!

>

REDACTED

> Wednesday
> Pravda 116
> Address: 116 Boylston Street (Theater District), Boston
> Telephone: (617) 482-7799
> MBTA Stop: Boylston
> Age: 21+
> www.pravda116.com
> Voted Boston's best nightclub in 2002 by the Improper Bostonian, Pravda, which means "truth" and was the name of the Soviet state newspaper, is a Russian chic night spot with a bar in the front and a nightclub back. Located in the Theater District in Boston, on Wednesday nights you can brush up on your salsa and merengue dancing in the front as DJJC spins, or check out the latest house music in the back.
>
> Thursday
> Aria *
> Address: 246 Tremont Street, Boston
> Phone: (617) 338-7080
> MBTA Stop: Boylston
> Age: guys 21+, ladies 19+ with proper college ID
> www.ariaboston.com
> A night dedicated to Boston's fashion and modeling industry, featuring live fashion shows, industry parties and events. DJ Roger M. spins high energy Euro & Hip Hop.
>
> Friday
> Venu *
> Address: 100 Warrenton Street, Boston
> Telephone: (617) 338-8061
> MBTA Stop: Boylston
> Age: 21+
> The pale walls, art-deco style, high heels and dancing bodies in this Theater District nightclub seem to be transplanted from the Miami scene. Several resident DJs host theme nights for city clubbers and the international set, including International Fridays and Greek Saturdays. Jackets are required, and you will see a lot of Armani and Versace attire on the dance floor. (Yahoo Travel)
>
> Saturday
> Venu * (see above)
>
> Trio
> Address: 174 Lincoln Street, Boston
> Telephone: (617) 357-TRIO
> Age: 21+
> www.trioboston.com
> The scene-meisters have declared it cool, a happening place for the lounge set. The Euro-brats, the artsy crowd, the dot-com late nighters, and the all-in-black sipping pink cosmos move through there, wending their way to the vast bar past the dining area. (Boston Globe)
>
> Sunday
> 33
> Address: 33 Stanhope Street, Boston
> Telephone: (617) 572-3311
> Age: 21+
> www.33restaurant.com
> For the hippest of hip, head to the newly-opened 33 Restaurant & Lounge co-owners Greg Den Herder and Igor Blatnik have provided a modern space filled with colorful, dramatic lighting and funky stairwells, a top-notch sound system,
> and an "art" room for private functions. (Welcome to Boston).

EXHIBIT E

REDACTED

From: "Mark Elliot Zuckerberg" <mzuckerb@fas.harvard.edu>
To: "Cameron Howard Winklevoss" <winklev@fas.harvard.edu>
Date: 12/1/03 6:20AM
Subject: meeting

Cameron,

I put together one of the two registration pages so I have everything working on my system now. I tried to upload everything to the main server and some things weren't working perfectly so I'll take a look at them tomorrow. Do you want to meet up on Tuesday to go over everything we have? I could probably meet for an hour or two that evening if you want.

I'll keep you posted as I patch stuff up and it starts to become completely functional.

Mark

EXHIBIT F

REDACTED

From: "Mark Elliot Zuckerberg" <mzuckerb@fas.harvard.edu>
To: "Cameron Winklevoss" <winklev@fas.harvard.edu>
Date: 1/8/04 5:58AM
Subject: Re: hey

Hey Cameron,

Sorry it's taken a while for me to get back to you. I'm completely swamped with work this week. I have three programming projects and a final paper due by Monday, as well as a couple of problem sets due Friday. I'll be available to discuss the site again starting Tuesday.

As far as the site goes for now, I've made some of the changes, although not all of them, and they seem to be working on my computer. I have not uploaded them to the live site yet though. I'll do this once I get everything done. I'm still a little skeptical that we have enough functionality in the site to really draw the attention and gain the critical mass necessary to get a site like this to run. And in its current state, if the site does get the type of traffic we're looking for, I don't know if we have enough bandwidth from the ISP you're using to handle the load without some serious image optimization, which will take a few more days to implement.

Anyhow, we'll talk about it once I get everything else done. Sorry for the delay in going live, but I guess it wasn't going to happen without new images from Sanjay anyway, so I'm not the only one who's lagging.

We'll speak soon.

Mark

On Tue, 6 Jan 2004, Cameron Winklevoss wrote:

> hey mark,
> drop me a line when you get a chance. Thanks
> -Cameron

EXHIBIT G

REDACTED

From: "Mark Elliot Zuckerberg" <mzuckerb@fas.harvard.edu>
To: "Cameron Winklevoss" <winklev@fas.harvard.edu>
Date: 1/14/04 4:37AM
Subject: Re: hey

Hey sorry it took me a while to respond to this. Tomorrow should be fine but we probably shouldn't use my room since my roommate will be writing a paper all day long and I don't really want to disturb him. I also can't meet for too long since whenever we meet, I'll be taking time away from a project I'm working on with some other people that needs to be finished by tomorrow night. But I think I can do 2:30-3:00 or so, so just name a place and I'll be there.

Mark

On Mon, 12 Jan 2004, Cameron Winklevoss wrote:

> yeah wed is fine. let say 1pm your place.
>
>
> ----- Original Message -----
> From: "Mark Elliot Zuckerberg" <mzuckerb@fas.harvard.edu>
> To: "Cameron Winklevoss" <winklev@fas.harvard.edu>
> Sent: Monday, January 12, 2004 2:36 PM
> Subject: Re: hey
>
>
> > Can we do wednesday instead? I am free in the afternoon then.
> >
> > On Mon, 12 Jan 2004, Cameron Winklevoss wrote:
> >
> > > what time do you want to meet tommorow?
> > > -CW
> >
>

EXHIBIT H

REDACTED

From: "Mark Elliot Zuckerberg" <mzuckerb@fas.harvard.edu>
To: "Cameron Howard Winklevoss" <winklev@fas.harvard.edu>
Date: 2/12/04 5:43PM
Subject: Re: Important Notice (2)

Cameron,

In response to your email, I would like to let you know that I have no intention of disclosing your work product, any of your ideas, or your demands.

>From the initiation of this project, I perceived it as a non-business oriented venture, with its primary purpose of developing an interesting product to aid the Harvard community. You asserted this yourself when I asked about the business model around the site. Originally, I was intrigued by the project and was asked to finish the Connect side of the web site. I did this, and in doing so, I realized over time that my concept of the web site was not as it had initially been portrayed by yourself and Divya.

When we met in January, I expressed my doubts about the site (where it stood with graphics, how much programming was left that I had not anticipated, the lack of hardware we had to deal with site use, the lack of promotion that would go on to successfully launch the web site, etc) and suggested that you have Victor or someone else work on it if you wanted it to be launched as quickly as possible. Further, I told you that I had other projects I was working on, and that those were higher priorities than finishing the HarvardConnection site. Based on this meeting, your claims of material detriment are not applicable.

After this meeting, and not before, I began working on Thefacebook, using none of the same code nor functionality that is present in HarvardConnection. This was a separate venture, and did not draw on any of the ideas discussed in our meetings. The only common aspects of the site are that users can upload information about and images of themselves, and that information is searchable. The idea of an online directory is not protectable, so any coincidental similarity between our sites is not a misappropriation of your work product.

Finally, I think I have as much of a reason to be disappointed with this arrangement as you do, since I worked with the expectation that I would be included in the overall development and control of the project but found that I was being subjected to demands on my time without truly being made a part of the development team and without receiving any other compensation.

If you would like to meet to discuss any of this, I am willing to meet with you alone. Let me know...

Mark

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CONNECTU LLC,

Plaintiff,

v.

MARK ZUCKERBERG, EDUARDO SAVERIN,
DUSTIN MOSKOVITZ, ANDREW MCCOLLUM,
CHRISTOPHER HUGHES, and
THEFACEBOOK, INC.,

Defendants.

MARK ZUCKERBERG and
THEFACEBOOK, INC.,
Counterclaimants,

v.

CONNECTU LLC,

Counterdefendant,

and

CAMERON WINKLEVOSS, TYLER
WINKLEVOSS, and DIVYA NARENDRA,

Additional Counterdefendants.

CIVIL ACTION NO. 1:04-cv-11923
(DPW)

PLAINTIFF AND COUNTERCLAIM DEFENDANTS'
SECOND REQUEST FOR THE PRODUCTION OF DOCUMENTS AND THINGS

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Plaintiff and Counterclaim Defendants (collectively, "Plaintiff") hereby serve this Second Request for the Production of Documents and Things on Defendants and Counterclaim Plaintiffs (collectively, "Defendants") and request that Defendants respond by producing the requested documents at the offices of Plaintiff's counsel, FINNEGAN, HENDERSON,

FARABOW, GARRETT & DUNNER, L.L.P., 901 New York Avenue, N.W., Washington, D.C. 20001, no later than thirty (30) days after service hereof.

DEFINITIONS AND INSTRUCTIONS

A. In accordance with Local Rule 26.5, the following definitions shall apply to all of Plaintiff's discovery requests:

- (1) *Communication.* The term "communication" means the transmittal of information (in the form of facts, ideas, inquiries, or otherwise).
- (2) *Document.* The term "document" is defined to be synonymous in meaning and equal in scope to the usage of this term in Federal Rule of Civil Procedure 34(a). A draft or non-identical copy is a separate document within the meaning of this term.
- (3) *Identify (With Respect to Persons).* When referring to a person, "to identify" means to give, to the extent known, the person's full name, present or last known address, and when referring to a natural person, the present or last known place of employment. Once a person has been identified in accordance with this subparagraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.
- (4) *Identify (With Respect to Documents).* When referring to documents, "to identify" means to give, to the extent known, the (a) type of document; (b) general subject matter; (c) date of the document; and (d) author(s), addressee(s), and recipient(s).
- (5) *Parties.* The terms "Plaintiff," "Defendant," and/or "Defendants", as well as any party's full or abbreviated name or a pronoun referring to a party, mean the party and, where applicable, its officers, directors, employees, partners, corporate parent, subsidiaries, or affiliates. This definition is not intended to impose a discovery obligation on any person who is not a party to the litigation.

(6) *Person.* The term "person" is defined as any natural person or any business, legal, or governmental entity or association.

(7) *Concerning.* The term "concerning" means referring to, describing, evidencing, or constituting.

(8) *State the Basis.* When an interrogatory calls upon a party to "state the basis" of or for a particular claim, assertion, allegation, or contention, the party shall:

(a) identify each and every document (and, where pertinent, the section, article, or subparagraph thereof), which forms any part of the source of the party's information regarding the alleged facts or legal conclusions referred to by the interrogatory;

(b) identify each and every communication which forms any part of the source of the party's information regarding the alleged facts or legal conclusions referred to by the interrogatory;

(c) state separately the acts or omissions to act on the part of any person (identifying the acts or omissions to act by stating their nature, time, and place and identifying the persons involved) which form any part of the party's information regarding the alleged facts or legal conclusions referred to in the interrogatory; and

(d) state separately any other fact which forms the basis of the party's information regarding the alleged facts or conclusions referred to in the interrogatory.

B. The following rules of construction shall apply to all of Plaintiff's discovery requests:

(1) The connectives "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.

(2) The use of the singular form of any word shall include within its meaning the plural form of the word and vice versa.

(3) The use of the masculine form of a pronoun shall include also within its meaning the feminine form of the pronoun so used, and vice versa.

(4) The use of any tense of any verb shall include also within its meaning all other tenses of the verb so used.

C. Whenever Plaintiff's interrogatories call for the identification of a document, Defendants may, in lieu of such identification, produce such document, marked with the number of the interrogatory to which it is responsive, at the time Defendants serve their responses to Plaintiff's interrogatories. When identifying documents, Defendants shall provide the following information with respect to such documents:

(1) a description of the document in sufficient detail to permit Plaintiff to locate and identify the document and to ascertain the answer to the interrogatory as readily as could Defendants;

(2) Any computerized information or summaries of such document; and

(3) Any relevant compilations, abstracts, or summaries in Defendants' custody or readily obtainable by Defendants.

D. No part of a discovery request shall be left unanswered merely because an objection is interposed to another part of the discovery request.

E. Where an objection is made to any interrogatory or any production request, or sub-part thereof, state with specificity all grounds for the objection. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure or applicable local rules, or any extensions thereof, shall be waived.

F. Where a claim of privilege or work product is asserted in objecting to a discovery request, or sub-part thereof, the attorney asserting the privilege shall in the objection to the discovery request, or sub-part thereof, identify the nature of the privilege being claimed, and provide the following information:

- (1) For documents:
 - (a) the type of document;
 - (b) general subject matter of the document;
 - (c) the date of the document; and
 - (d) such other information sufficient to identify the document for a subpoena *duces tecum*, including the author of the document, the addressee of the document, and the relationship of the author to the addressee.
- (2) For oral communications:
 - (a) the name of the person making the communication, the names of persons present while the communication was made, and the relationship of these persons;
 - (b) the date and place of communication; and
 - (c) the general subject matter of the communication.

REQUESTS FOR THE PRODUCTION OF DOCUMENTS AND THINGS

Request No. 171

Documents sufficient to identify, and concerning, all investments in Thefacebook, Inc. and/or thefacebook.com website, including without limitation the name of each investor; the amount of each investor's investment; the percentage of Thefacebook, Inc.'s shares, assets, or other ownership interest owned or held by each investor; the value of Thefacebook, Inc. and/or thefacebook.com website estimated by or for each investor; all

documents concerning or memorializing each investment; all documents concerning or memorializing negotiations with any actual or potential investor; all documents concerning or constituting presentations made to or by actual or potential investors in Thefacebook, Inc. and/or thefacebook.com website; and all documents prepared by or on behalf of Thefacebook, Inc., or prepared by on behalf of any investor, concerning or constituting any financial projections, revenue projections, profit or loss projections, and/or cash flow projections for Thefacebook, Inc. and/or thefacebook.com website.

Request No. 172

All documents concerning or constituting surveys or questionnaires of users of thefacebook.com website.

Request No. 173

All documents referred to or identified in Defendants' Initial Disclosure dated April 6, 2005, which have not already been produced.

Request No. 174

All documents supporting or tending to support, or refuting or tending to refute, Defendants' Counterclaims.

Request No. 175

All documents sufficient to identify, constituting, or concerning Mr. Zuckerberg's problem sets, class papers, and other homework or class assignments from December 1, 2003 through February 4, 2004.

Request No. 176

All documents sufficient to identify, constituting, or concerning all third party websites or other public domain sources that contained or embodied the entire combination identified in response to Defendants' Interrogatory No. 2 prior to February 4, 2004.

Request No. 177

All documents sufficient to identify, constituting, or concerning all third party websites or other public domain sources that contained or embodied nos. 1-3 set forth in response to Defendants' Interrogatory No. 2 prior to February 4, 2004.

Request No. 178

All documents sufficient to identify, constituting, or concerning all third party websites or other public domain sources that contained or embodied any of the numbered elements identified in response to Defendants' Interrogatory No. 2 prior to February 4, 2004.

Request No. 179

All documents sufficient to identify, constituting, or concerning design and technical documentation and/or specifications for thefacebook.com website, code, or database, from November 1, 2003 to the present.

Request No. 180

All documents sufficient to identify, constituting, or concerning database definitions for thefacebook.com website from November 1, 2003 to the present.

Request No. 181

All computer program code written by Mark Zuckerberg or any other person prior to Mr. Zuckerberg's first work on the code for thefacebook.com website, which Mr. Zuckerberg

or any other person incorporated into the code for thefacebook.com website in whole or in part, and/or in modified or unmodified form, in the form in which such code existed before Mr. Zuckerberg's work on the code for thefacebook.com website first began.

Request No. 182

All computer program code for Mr. Zuckerberg's project that he called coursematch.

Request No. 183

All computer program code for buddyzoo.

Request No. 184

The hard drive referred to in Defendants' response to Plaintiff's Production Request No. 30.

Request No. 185

The hard drive referred to on page 15 (first full paragraph) of "Facebook Defendants' (i) Opposition to ConnectU LLC's Motion to Compel the Production of Mirror Images of Defendants' Hard Drives and Other Electronic Memory Devices and Documents Created After May 21, 2004, and (ii) Cross-Motion for a Protective Order."

Request No. 186

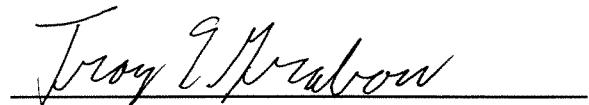
All web activity logs and all documents concerning or containing statistics or reports of usage of thefacebook.com website.

Request No. 187

All of the "coding" referred to by Mark Zuckerberg in his November 22, 2003 21:43:53 (EST) email to Divya Narendra (attached as Exhibit A hereto), as it existed on that date.

Dated: August 31, 2005

Respectfully submitted,



Jonathan M. Gelchinsky (BBO #656282)
Lawrence R. Robins (BBO #632610)
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.
55 Cambridge Parkway
Cambridge, MA 02142
Tel: (617) 452-1600
Fax: (617) 452-1666

jon.gelchinsky@finnegan.com
larry.robins@finnegan.com

John F. Hornick, *Pro Hac Vice*
Margaret A. Esquenet, *Pro Hac Vice*
Troy E. Grabow, *Pro Hac Vice*
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.
901 New York Avenue, N.W.
Washington, D.C. 20001
Tel: (202) 408-4000
Fax: (202) 408-4400

Attorneys for Plaintiff
ConnectU LLC

EXHIBIT A

REDACTED

-----Original Message-----

From: Divya Narendra [mailto:dknyc82@yahoo.com]
Sent: Sat 2/5/2005 7:26 PM
To: Cameron Winklevoss
Cc:
Subject: zberg emails part 5
----- Forwarded message -----
Date: Sat, 22 Nov 2003 21:43:53 -0500 (EST)
From: Mark Elliot Zuckerberg
<mzuckerb@fas.harvard.edu>
To: Divya Kumar Narendra <narendra@fas.harvard.edu>
Subject: update

Hey man,

I have most of the coding done, and I think that once
I get the graphics
we'll be able to launch this thing. You should
probably look over the
searches and everything just to make sure I'm asking
about the right
criteria, but other than that it seems like everything
is working. I
still have some last minute stuff to do but I'll send
you a link later
tonight when it's really in good shape and you can
check it out tomorrow
morning.

Mark

REDACTED

REDACTED